

Matt,

I understand where you are coming from.

I'm happy to seek an informal conference. But the logistics of getting this resolved on an informal conference may be difficult. I will need to submit a declaration on behalf of Corizon that explains why it is claiming the privilege and the evidence that it has to support why it is claiming the privilege. Given that need, I'm not sure how to address the issue informally without some form of briefing and some evidence that is submitted to the court for review in support of the privilege claim.

I'm not suggesting that I will not review any letter or authority that you provide. If you have additional authorities for review, I can certainly review.

With respect to the Rule 37 letter that I received yesterday, I think that those issues appear minor and we may be able to work those issues out. I'm following up with my clients on those issues. I will also be supplementing with the additional personnel files that were located to date.

Henry J. Paoli

Board Certified, Civil Appellate Law

Texas Board of Legal Specialization

Direct: 915.546.8217 **Main:** 915.533.2493 **Fax:** 915.546.8333



hpao@ScottHulse.com | [vCard](#) | [ScottHulse.com](#)

ScottHulse PC | 130 Years of Commitment

One San Jacinto Plaza

201 E. Main Dr., Ste. 1100, El Paso, TX 79901

Offices in El Paso and San Antonio, Texas, and Las Cruces, New Mexico

CONFIDENTIALITY NOTICE

The information contained in this ELECTRONIC MAIL transmission is confidential. It also may be protected by and subject to the attorney-client privilege or be privileged work product or proprietary information. This ELECTRONIC MAIL transmission and the information contained in or attached as a file to it are intended for the exclusive use of the addressee(s). If you are not the addressee (or one of the addressees), you are not an intended recipient; if you are not an intended recipient, you hereby are notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information are strictly prohibited.

From: Matthew Coyte <mcoyte@me.com>
Sent: Wednesday, September 21, 2022 2:36 PM
To: Henry J. Paoli <Hpao@scotthulse.com>
Cc: Katherine Drozek <paralegal@coytelaw.com>
Subject: Garcia

**** EXTERNAL EMAIL ****

Hello Henry,

We just got your supplemental response indicating that there is a mortality review in the Garcia case. As you know, we have been given the impression no review was conducted and so our discovery

deficiency letter did not mention this potential dispute. Since we are litigating this issue in another case I can guess where we are going with this one, but I need your confirmation. Are you going to rely on your privilege regardless of any letter I write or any of the caselaw we have pointed to in the past? In other words is there any way to avoid briefing the motion to compel? The magistrate in this case is amenable to an informal conference to resolve disputes such as this, but if your client is not going to be persuaded by an informal opinion from the magistrate, the process will be a waste of time. What do you think?

Matt

Matt Coyte
Coyte Law P.C.
3800 Osuna Rd. NE Suite 2
Albuquerque, NM 87109

(505) 244-3030
Fax (505) 672-7088
www.coytelaw.com

CONFIDENTIALITY NOTICE: The information in this e-mail message, and any files transmitted with it, is attorney/client privileged and may contain privileged or confidential information intended for the use of the individual(s) or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone at the above-referenced telephone number and delete the material from any computer. Thank you.